

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 30, 1949

Council Chamber, City Hall

The meeting was called to order with Mayor Glass Presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Absent: None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police.

The minutes of the previous meeting were read and approved.

HARRY LOTT appeared before the Council with two members of the Progressive Party to ask that no brutality be shown when officers of the law raided taverns and made arrests. He submitted the following written request:

"This is just a gentle reminder of what we hope will not obtain in the crack down in East Austin or any other place for that matter.

"In cleaning up taverns where fights-knifings and shooting have occurred, we hope a reign of terror through police brutality will not happen, which is usually the result when unscrupulous officers take advantage of the people because they are the law. We hope Austin laws will not take on the habit of head-busting when arrests are made, which occurs in so many cities around about us. Boys and girls from some of the best regulated homes and families in Austin, frequent these taverns, because they have no other places to go other than church and picture shows. Mind you, we are not condoning lawlessness nor crime, but we do think that when arrests are made, they should differentiate between human beings and brutes.

"It should be through the ordinary process of the courts to determine the guilt or innocence of people placed under arrest, and not by night sticks--black jacks and pistols. And, too, we feel like the tavern owners should not be penalized because of fights unless they are proven beyond a reasonable doubt that they were contributing factors to its

cause. Who knows where fights will break out? Fights--knifings and shooting break out in the church house, halls of legislatures and congress, much less in taverns.

"Be fare to the businessman who has put money into his business to make a living and in the meantime given jobs to others so they might live. As peaceful, law abiding citizens, our close observation of affairs has taught us that there is a vast difference of an orderly clean up than a knock down and drag out. We are deeply interested in the peaceful relationship of all the people of this fair and friendly city, but more especially the conduct of the guaradians of the law.

"In bringing this small matter to your attention, we want you to know you have our full coopration in helping stamp out lawlessness and crime among us, but we want it done without terrorism and brutality, and not with head busting predominating.

Information concerning garbage disposal, trash left in alleys week after week should be taken more often, making a clean up from a health point of view, etc."

MR. LOTT referred to a newspaper clipping in which the Liquor Control Board, Chief of Police, and District Attorney, warned of the lawlessness and crime in taverns in the City and stated a clean-up drive was under way. The Mayor stated there was no discrimination in this proposed clean-up drive. The Chief of Police informed MR. LOTT that the colored policemen had trouble with their own color; that the colored people would not respect the colored policement and it might be necessary to rãplace them with white officers. The Chief of Police further stated the Police had to protect lives and property, and that the good people should have a chance to live decently. BILL HUGHES member of the Progressive Party stated the garbage was not collected but once a week in the eastern section, while in the University section they had three collections a week. It was explaimed the residential districts had the same number of collections all over town, and that the down-town districts had to have collection more frequently. MR. LOTT was advised to ask cooperation of the people in East Austin.

MR. CONRAD FATH appeared before the Council to receive the report about the proposed fishing pond for children under 16 years. The City Manager stated that the report was still incomplete pending information concerning the electric wire that was necessary; and as soon as all the information was received, he would have the report ready.

COUNCILMAN MAC CORKLE inquired about the survey of the Hospitals, stating figures submitted by certain doctors and from the Public Health Service indicated there should be seven and one-half beds per thousand urban population; and at the present time there is a tãtal of 438 beds in Austin for 150,000 people.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets;

(1) A gas main in GREGORY STREET, from a point 75 feet west of Lawson Lane westerly 43 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said GREGORY STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in CHERRY LANE, from a point 70 feet east of Raleigh Avenue westerly 62 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said CHERRY LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in EAST $49\frac{1}{2}$ STREET, from Harmon Avenue westerly 490 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST $49\frac{1}{2}$ STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in ST. JOHNS AVENUE, from Woodrow Avenue westerly 1111 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said ST. JOHNS AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in DE BERNE STREET, from Paramount Avenue westerly 272 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said DE VERNE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in DEXTER AVENUE, from a point 240 feet west of Kinney Avenue westerly 90 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said DEXTER AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in GUNTER STREET, from a point 559 feet north of Gonzales Street northerly 204 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said GUNTER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in PEARL STREET, from a point 160 feet south of West $28\frac{1}{2}$ Street southerly 38 feet, the centerline of which gas main shall be 18 feet west of and parallel to the east property line of said PEARL STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in LAKE VIEW, from a point approximately 255 feet north of Ridge Oak Drive south to Ridge Oak Drive, the centerline of which gas main shall be $5\frac{1}{2}$ feet east of and parallel to the west property line of said LAKE VIEW.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in RIDGE OAK DRIVE, from Lake View southerly approximately 455 feet, the centerline of which gas main shall be $5\frac{1}{2}$ feet east of and parallel to the west property line of said RIDGE OAK DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes : None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The ordinance was read the third time, and Councilman MacCorkle moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman MacCorkle introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE

WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON THE WEST 54.9'x160' OF LOT 7 AND 5.15'x80' BACK LOT, BLOCK 131, OF THE ORIGINAL CITY OF AUSTIN, IN THE CITY OF AUSTIN, TRAVIS COUNTY; TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Johnson moved that the following taxi-cab operator licenses, duly recommended by the City Manager, be granted:

| | | |
|---------------------|---------------|---|
| WILLIAM FREE HANSON | 612 West 5th | 1946 Chevrolet 4-door sedan Motor # DAA 331580, License No. KL 5523 |
| WILLARD L. PANNELL | 1609 West 8th | 1947 Chevrolet - 4-door Styl- master, Motor EEA417728, license KK 2521. |
| EUGENE LAW | 1605½ Garden | 1946 Plymouth, 4-door Sedan Motor P15-219280, License KM 7286. |

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long moved the following taxi-driver license, duly recommended by the City Manager, be granted:

BILLY RAY JOHNSON

2407 East 2nd Street

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman MacCorkle moved that the following Beer Retailers "On Premise" licenses, duly recommended by the City Manager, be granted:

SPEIR'S PLACE, Homer Grumbles
C. W. SMITH, Turn-o-Luck

1614 Rosewood Avenue
5500 Georgetown Road

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Drake moved that the following Beer and Wine Permit, duly recommended by the City Manager, be granted:

BILL JOSEPH, THE STALLION

5534 Dallas Highway

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following applications for boat licenses, duly recommended by the City Manager, be granted:

Tim Tinsley and Layo Vratny
Marvin Morris

Canoe
Fishing boat

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following application for Commercial Boat Operator, duly recommended by the City Manager, be granted:

AUSTIN B. McCOMB

2305 A. Sabine

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Johnson moved that the following applications for change of zoning be set for public hearing at 2:30, JULY 28, 1949:

| | | |
|---|---|--|
| SAM SILBERSTEIN, By S. M. AMSTER, Atty. | Lot 5, Outlot 43, Div. B. Foster & Ludlow Sub- division, 1613 E. Ave. | From "C" Commercial To "C-2" Commercial NOT RECOMMENDED by the Zoning Board |
| HORACE SHELTON, for Paul O. Simms, E. M. Franks & John Roy Johnson | Lots 8, 9, 10, 11, 12, 13, Blk. B., Paul O. Simms Subdiv., Barton Heights B Annex - 1903- -1913 Anita Drive | From "A" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjust- ment |
| L. L. McCANDLESS | So. 220' of north 275' of portion of Blk. G, between Burnet Road & Burnet Road Alley: So. 210' of north 485' of Blk. G., Between Burnet Road and Burnet Road alley - 5900 & 6000 Blks of Burnet Road on the east side. | From "C" Commercial To "C-2" Commercial PART OF THE PROPERTY RECOMMENDED By the Zoning Board of Ad- justment. |

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following application for change of zoning be set for public hearing at 10:00 A.M. JULY 21, 1949.

| | | |
|-----------------|--|---|
| JACK STABLEFORD | Lot 2, Blk. 2, Silliman Addition, Outlot 5, Div. Z, 1009 W. 11th | From "B" Residential to "C" Commercial |
|-----------------|--|---|

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following applications for change of zoning be referred to the Zoning Board for consideration and recommendation:

| | | |
|-----------------|----------------|---|
| JACK STABLEFORD | 1009 West 11th | From "B" Residential To "C" Commercial |
|-----------------|----------------|---|

MRS. MAUDE H. KINGSBURY Lot 1, Blk. 140
By Ray Stevens 1101 Red River

From "C-1" Commercial
To "C-2" Commercial

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE HEIGHT AND AREA DESIGNATION FROM ITS PRESENT HEIGHT AND AREA DISTRICT TO FIFTH HEIGHT AND AREA DISTRICT ON ALL LOTS AND ACREAGE WHICH ABUT, OR ANY PART OF WHICH LIE WITHIN TWENTY-FIVE (25) FEET OF THE RIGHT OF WAY LINE OF CERTAIN PORTIONS OF EAST SEVENTH STREET FROM CHICON STREET EAST TO THE EAST CITY LIMIT LINE, BUT PROVIDING THAT WHERE THE RIGHT OF WAY WIDTH IS 80 FEET OR LESS SUCH SET-BACK SHALL BE 20 FEET, AND PROVIDED FURTHER THAT FROM A POINT 324 FEET EAST OF THE CENTER LINE OF GUNTER STREET TO THE WEST LINE OF SPRINGDALE ROAD THE SET-BACK SHALL BE A MAXIMUM OF 20 FEET REDUCED UNIFORMLY TO ZERO FEET AT SPRINGDALE ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCorkle moved that it be passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The City Manager submitted the following report from the Director of Public Works on bids received for equipment for the manufacture of compost:

"Bids were opened for the purchase of a tractor with angle dozer blade and scraper to be used for the trenching and backfilling in our compost disposal. The bids were as follows:

"R. B. George Equipment Company

Caterpillar D6 Angle Dozer, F.O.B. Austin \$10,440.00

Caterpillar Scraper No. 70, 8.7 cubic yards
F.O.B. Austin 6,955.22

Total \$17,395.22 (\$1,998.00)

Hi-Way Machinery Company

Oliver Cletrac, Model D with Angle Dozer \$ 9,116.00

One (1) Heil Cable Scraper, Model OC-9
7.2 cubic yards, F.O.B. Austin 5,535.00

Total \$14,651.00 (\$2,018.00)

Jess McNeel Machinery Corporation

International Model TD-14 with Angle Dozer \$10,761.30

F.O.B. Austin

Bucyrus-Erie Scraper, 8 cubic yards
Model S-91 6,590.00

Total \$17,351.30 (\$2,170.00)

H.W. Lewis Equipment CompanyOne (1) Allis Chalmers Tractor, HD-10W \$12,907.76
with Angle Dozer, F.O.B. AustinGar Wood Cable Scraper, Model 508,
F.O.B. Austin 5,079.20

Total \$17,986.96 (\$2,245.00)

"The H.W. Lewis Equipment Company also bid on a Model HD-7W Allis-Chalmers Tractor for \$9,737.50, F.O.B. Austin. However, this machine is much lighter than we will need for the type work anticipated.

"We have made a careful analysis of the bids submitted and recommend the purchase of a D-6 Caterpillar with Angle Dozer and 8.7 cubic yard Scraper for \$17,395.22 delivered. . . ."

It was stated there was idle equipment that would be available for rent; and since this was an experiment, it might be more economical to rent the machinery. The City Manager stated he would have estimates on renting the equipment and have a report ready for the Council at its next meeting.

There being no further business the Council recessed until 2:30 P.M.

APPROVED

Taylor B. Lane
Mayor

ATTEST:

Elin Worsley
Acting City Clerk